

REMARKS

The Office Action dated August 12, 2008 has been received and reviewed. This response, submitted along with a Request for Continued Examination (RCE), is directed to that action.

Claims 1 and 3 have been amended, claim 2 has been cancelled and claims 21-23 are new. Support for the substantive amendments to claim 1 can be found throughout the specification, and in claim 2 as originally filed. Support for new claims 21-23 can be found throughout the specification, and specifically in paragraphs [0050] to [0051] and [0125] of the corresponding published US application no. 2007/0054825 A1. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-3 and 6-7 under 35 U.S.C. §102(b) as anticipated by Umeda et al. (US 2003/0052299 A1). The applicants respectfully traverse this rejection.

Prior to discussing the merits of the present rejection, the applicants respectfully remind the Examiner that anticipation requires that a prior art reference teach, either explicitly or inherently, each and every element of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ 2d 1051 (Fed. Cir. 1987). The Examiner stated that Umeda teaches a sintered body and higher frequency circuit components which comprise, in part, zinc oxide of bismuth oxide, and therefore

anticipates the presently claimed invention. The applicants submit that Umeda is directed to a sintered body for use in high-frequency circuits, and does not teach or suggest a detergent, rinse aid or soluble glass composition, which is required in the presently claimed invention. Accordingly, Umeda fails to teach all the limitations of the presently claimed invention in the applicants respectfully request that the Examiner withdraw this rejection.

The Examiner also rejected claims 1-3 and 6-7 under 35 U.S.C. §102(b) as anticipated by Dumensil et al. (US 4,753,302). The applicants respectfully traverse this rejection.

The Examiner stated that Dumensil teaches a little melting glass composition that contain, in part, zinc oxide and bismuth oxide, thus anticipating the present claims. Like Umeda, Dumensil also fails to teach a detergent or raise aid composition, as in the present claims. Indeed, Dumensil is directed only to a glass composition and never even mentions detergents or rinse aids. Moreover, Dumensil is not directed to a *soluble* glass. Accordingly, Dumensil fails to teach all the limitations of the presently claimed invention, and the applicants respectfully request that the Examiner withdraw this rejection.

Examiner also rejected claims 1-3 and 6-7 under 35 U.S.C. §102(b) as anticipated by Beck et al. (US 2,726,161). The applicants respectfully traverse this rejection.

Beck is directed to high-index glass elements such as glass beads, fibers, flakes and thin plates. Again, Beck fails to teach or suggest a soluble glass, detergent or rinse aid composition. Accordingly, Beck does not teach all of the limitations of the presently claimed invention, and the applicants respectfully request that the Examiner withdraw the

rejection.

Finally, the Examiner rejected claims 1-5, 9-10, 12 and 18-20 under 35 U.S.C. §102(b) as anticipated by, or in the alternative, obvious over Huot (US 6,344,295). The applicants respectfully traverse this rejection.

Huot is directed to rechargeable batteries comprising zinc-bismuth alloys as negative active materials. There is no teaching in Huot of a soluble glass, detergent or rinse aid composition comprising zinc and bismuth. Accordingly, Huot does not teach all of the limitations of the presently claimed invention. Moreover, Huot is directed to a completely different field of art, and the skilled artisan would not look to this reference when attempting to prepare a detergent or rinse aid composition. The applicants therefore submit that Huot does not anticipate or render obvious the presently claimed invention, and respectfully request that the Examiner withdraw this rejection.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-3, 6-7, 9-10, 12 and 18-20 under 35 U.S.C. §103(a) as obvious over EP 0 070 587. The applicants respectfully traverse this rejection.

The applicants submit that EP 587 fails to provide any useful identification of a specific combination, particularly zinc and bismuth, and also any ratios of the compounds that would provide optimal synergies. Indeed, a review of EP 587 indicates that no combination of materials or combinations of greater amounts of constituents would be expected to provide any improvement over the use of a single compound which are identified by EP 587. EP 587 only notes the utility of individual compounds, and provides no basis for any expectation that any benefits are to be obtained from the

combinations of such materials. The skilled artisan, therefore, is given no suggestion or motivation to combine specific materials within the claimed ratio.

Moreover, the applicants submit that the present invention exhibits an unexpected and surprising synergistic benefit when zinc and bismuth are combined in soluble glass, rinse aid or detergent formulations. Such synergistic benefit is nowhere taught or suggested in EP 587. Indeed, an expected and surprising synergistic benefit is objective evidence of nonobviousness. In support thereof, in Comparative Example 3 only zinc acetate (without the presence of bismuth) is used in tablet formulation. This Example shows a significant detrimental effect on glassware including glass clouding, line corrosion and iridescence (see Table AL4a). Similarly, Comparative Example 4, which includes only bismuth citrate (without zinc) in a tablet formulation exhibits weak glass corrosion care (see Table AL4b). However, when both zinc and bismuth are used in combination, as in Example 1, shown in paragraphs [0125-0128], the negative effects of corrosion and iridescence are vastly improved when compared to the Comparative Examples 3 and 4. These results are unexpected and surprising to the skilled artisan. There is absolutely no teaching or suggestion in the prior art that a *combination* of bismuth and zinc would provide increased corrosion and iridescence protection to glassware.

The Examiner stated that the claims were not commensurate in scope with the examples because present Example 1 teaches specific concentration of zinc and bismuth, as well as the presence of sodium disilicate, which is not presently claimed. The applicants submit that there is no requirement that the claims be limited in scope to the specific embodiments shown in the examples. The applicants further submit that the

examples show that the critical aspect of the invention is *not* the concentration of zinc and bismuth in a detergent or rinse in formulation, but rather the combination of the two elements. The Examiner also stated that "the applicant's claims are drawn to specific species of zinc and bismuth salts and not to other metal salts or alloys or elemental metals of bismuth and zinc." (Office Action, page 8, lines 12-14). The applicants respectfully disagree with this characterization of the claims, as present claim 1 is *not* directed to specific zinc or bismuth salts. Moreover, the applicants have shown that both elemental zinc and bismuth as well as specific salts of zinc and bismuth achieve surprising and unexpected results. (See Examples 1 and 2).

Based on the foregoing, the applicants submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw the rejections.

Claim Rejections- Double Patenting

The applicants respectfully request that the provisional obviousness-type double patenting rejections over copending application nos. 10/558,211, 10/468,669 and 10/575,219 be held in abeyance until all other prior art issues are resolved. At such time, the applicants will revisit the double patenting rejections, and will either argue the merits of the rejection or file Terminal Disclaimers over the allegedly conflicting claims.

The applicants believe the claims are now in condition for allowance, and respectfully request such favorable action. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the

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applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully requests that this be considered a petition therefore. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By Mark D. Marin

Mark D. Marin
Attorney for Applicants
Reg. No. 50,842
875 Third Avenue, 18th Floor
New York, New York 10022
Tel. 212-808-0700